



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

**APPLICATION GRANTED  
SO ORDERED** *Vernon S. Broderick*  
**VERNON S. BRODERICK**  
**U.S.D.J.** 11/24/2020

**VIA ECF**

The Honorable Vernon S. Broderick  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Plaintiff's failure to engage in discovery or otherwise pursue this litigation may result in dismissal for failure to prosecute. The Clerk of Court is directed to mail a copy of this order to the pro se Plaintiff.

Re: *Shelton Beaman v. United States of America, et al.*, 20-cv-309 (VSB)

Dear Judge Broderick:

This Office represents Defendant the United States of America (the "Government") in the above-referenced action, in which Plaintiff seeks damages for alleged medical malpractice. (Dkt. No. 2.) On July 23, 2020, the Court issued a Case Management Plan and Scheduling Order, ordering the parties to exchange initial disclosures no later than July 30, 2020, exchange requests for production of documents and interrogatories no later than August 14, 2020, and complete fact discovery no later than November 30, 2020. (Dkt. No. 18.) I write respectfully to inform the Court that Plaintiff has yet to engage in any discovery or to respond to the Government's discovery requests. Plaintiff has also failed to respond to any emails or phone calls since late July.

On July 29, the Government served Plaintiff with its initial disclosures. On August 7, the Government served Plaintiff with its first set of interrogatories and requests for production of documents. On August 28, the Government served Plaintiff with all medical records in its custody or control. Despite various requests, including on August 7, October 15, November 12, and November 18, Plaintiff has failed to engage in discovery. The Government has received no communications from Plaintiff since July 21, including to inquiries into whether Plaintiff requires additional time to engage in discovery.

In light of Plaintiff's failure to comply with his discovery obligations, the Government respectfully requests that the Court issue an order instructing Plaintiff to provide his initial disclosures and to respond to the Government's interrogatories and document requests on or before December 15, 2020, and warning Plaintiff that failure to comply could result in dismissal of his claims for failure to prosecute.

The Government further requests that the Court extend the discovery deadlines by sixty days, to provide Plaintiff additional time to engage in discovery, as follows: all fact discovery, previously due November 30, 2020, shall be completed by January 29, 2021; all depositions, previously due November 30, 2020, shall be completed by January 29, 2021; requests for admissions, previously due October 30, 2020, shall be served by December 29, 2020; and all expert discovery, previously due January 29, 2021, shall be completed by March 30, 2021.

Finally, the Government requests that the Court adjourn the post-discovery conference, currently scheduled for February 12, 2021, to sometime after the proposed March 30, 2021 expert-discovery deadline. This is the Government's first request for an extension of time.

We thank the Court for its consideration of this submission.

Respectfully,

AUDREY STRAUSS  
Acting United States Attorney

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cc: Plaintiff via email and regular mail